

**BEFORE THE IDAHO STATE LICENSING BOARD OF PROFESSIONAL  
COUNSELORS AND MARRIAGE & FAMILY THERAPISTS**

In the Matter of the License of:	)	Case No. COU-2008-19
	)	
MILLICENT S. SMITH,	)	<b>FINDINGS OF FACT,</b>
License No. LCPC-33,	)	<b>CONCLUSIONS OF LAW AND</b>
	)	<b>FINAL ORDER ON</b>
Respondent.	)	<b>VOLUNTARY SURRENDER OF</b>
	)	<b>LICENSE</b>

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Having reviewed the Voluntary Surrender of License executed by Respondent Millicent S. Smith ("Respondent"), dated February 9, 2009, ("Voluntary Surrender of License") contained in the administrative file in this matter, the Idaho State Board of Professional Counselors and Marriage & Family Therapists (the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

**FINDINGS OF FACT**

1. Respondent is a duly licensed professional counselor in the State of Idaho holding License No. LCPC-33.
2. On February 9, 2009, Respondent voluntarily surrendered her license. In the Voluntary Surrender of License, Respondent consented to the Board entering an order suspending her license to practice based upon her voluntary surrender of license, and Respondent consented to the imposition of such discipline. Respondent knowingly and freely waived her right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

**CONCLUSIONS OF LAW**

1. As a licensed professional counselor in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 34, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. Pursuant to Idaho Code § 54-3404, the Board is authorized to regulate the practice of professional counselors in the State of Idaho. The Board's authority includes the review of practices of licensees and the suspension or revocation of licenses for violations of the provisions of title 54, chapter 34, Idaho Code, and the rules and regulations promulgated by the Board thereunder, including without limitation, Idaho Code § 54-3407(5), IDAPA 24.15.01.350, and American Counseling Association Code of Ethics (2005) C.2.g. Pursuant to Idaho law, the Board has the authority to accept the Voluntary Surrender of License which Respondent has submitted.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and the Voluntary Surrender of License which is hereby incorporated herein by this reference, for good cause shown, Board License No. LCPC-33 issued to Respondent Millicent S. Smith is hereby SUSPENDED INDEFINITELY. Respondent shall not engage in the practice of professional counseling in Idaho unless and until the Board reinstates Respondent's license.

It is further ordered that in any request for reinstatement of licensure made by Respondent in the future, Respondent shall comply with such conditions as may be required by the Board for reinstatement.

This Order is limited to Respondent's Voluntary Surrender of License and does not include the resolution of any other outstanding complaints against Respondent that are or may be pending before the Board. This Order is effective immediately. This Order and the Voluntary Surrender of License are public records.

DATED this 11<sup>th</sup> day of February, 2009.

IDAHO STATE LICENSING BOARD OF  
PROFESSIONAL COUNSELORS AND  
MARRIAGE & FAMILY THERAPISTS

By Nina Woods  
Nina Woods, Vice-Chair

**NOTICE OF DUE PROCESS RIGHTS**

NOTE: THIS NOTICE IS PROVIDED SOLELY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1~~st~~ day of February, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Millicent S. Smith  
4222 Emerald  
Boise, ID 83706

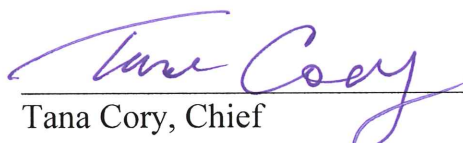
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_

J. Layne Davis  
DAVIS & WALKER  
200 N. Fourth Street, Suite 302  
Boise, ID 83702

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_

Emily A. Mac Master  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

  
\_\_\_\_\_  
Tana Cory, Chief  
Bureau of Occupational Licenses